

Exhibit A



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March 7, 2006

Via E-mail and LexisNexis File & Serve

Mr. Scott A. Stempel
Morgan, Lewis & Bockius LLP
1111 Pennsylvania Avenue, NW
Washington, D.C. 20004

Re: MDL 1456 – Track 2 Class Issues

Dear Scott:

This is in response to your telephone call and e-mail regarding class certification and Track 2.

Perplexed by your reference to our needing to file a motion on Track 2 class certification, we went back through the Court's orders and now see the source of the confusion. CMO No. 14 calls for the filing of a Track 2 class motion within 30 days of the "Triggering Date," which in this case would be March 1, 2006. But the sequence of events transpiring after issuance of CMO No. 14 mooted portions of that order, including the need to file an omnibus Track 2 class certification motion that would largely repeat the lengthy material already submitted to the Court with the Track 1 class certification motion.

After CMO No. 14 was issued, the Court held argument on the class motion and issued a lengthy Order on August 16, 2005. That order addressed issues that were common to all Track 1 and 2 defendants, including but not limited to the expert issues. The Court then addressed what further issues she saw and how they were to be handled.

Thereafter, the Court issued CMO No. 16. In our view, CMO No. 16 modified CMO No. 14. In CMO No. 16, the Court called for the exact same procedure as that ordered by the Court for Track 1 post-August 16, 2005. Plaintiffs believe that, by issuing procedures in CMO No. 16 that mirrored those that applied to Track 2 class certification procedures after August 16, the Court clearly signaled its intent that the parties *not* re-brief all of the Rule 23 issues that Judge Saris and her staff spent an enormous amount of

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time and effort evaluating for Track 1. Instead, the Court intended to allow the Track 2 defendants the opportunity to address the adequacy issues that were the subject of the Court's last order on this issue.

In sum, we do not believe that the Court wants a repetitive set of briefing on the class issues for Track 2 and instead wants to limit briefing to any adequacy issues that defendants wish to raise. If defendants disagree with this interpretation, let's discuss it more and, if necessary, ask Judge Saris how she wants to proceed.

Sincerely,

HAGENS BERMAN SOBOL SHAPIRO LLP



Steve W. Berman

SWB:dld
cc: Plaintiffs' Counsel